

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2006-1285-DCL-E TCEQ ID: RN104098116; RN100705763 CASE NO.: 30803
 RESPONDENT NAME: ASAP ENTERPRISES, INC. DBA VIP CLEANERS 5 AND DBA IP CLEANERS

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITES WHERE VIOLATIONS OCCURRED: 12379 Kingsride Lane, Houston, Harris County ("VIP Cleaners 5 Facility"), and 2368 South Dairy Ashford, Houston, Harris County ("IP Cleaners Facility")</p> <p>TYPE OF OPERATION: Dry cleaning drop stations</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 20, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Air Enforcement Section, MC 149, (512) 239-6162 TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623 Respondent: Mr. Rajab Karimali, President, ASAP Enterprises, Inc., 2368 South Dairy Ashford, Houston, Texas 77077 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

RESPONDENT NAME: ASAP ENTERPRISES, INC. DBA VIP CLEANERS 5 AND DBA IP CLEANERS
DOCKET NO.: 2006-1285-DCL-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: May 24, 2006 and May 31, 2006</p> <p>Dates of NOEs Relating to this Case: August 7, 2006 and August 30, 2006</p> <p>Background Facts: The EDPRP was filed November 21, 2006, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. Service was unsuccessful. The EDFARP was filed December 21, 2006, and mailed to the Respondent via certified mail return receipt requested and, via first class mail, postage prepaid. Service was unsuccessful. The EDSARP was filed October 31, 2008, and mailed to the Respondent via certified mail return receipt requested, via first class mail, postage prepaid, and was hand-delivered to the Respondent by a TCEQ Houston Regional Office investigator. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: On September 4, 2008, a TCEQ Houston Regional Office investigator confirmed that the VIP Cleaners 5 Facility is no longer in operation. The IP Cleaners Facility has not been registered.</p> <p>DCL:</p> <p>1. Failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility for the VIP Cleaners 5 Facility [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102].</p> <p>2. Failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility for the IP Cleaners Facility [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].</p>	<p>Total Assessed: \$2,370</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$2,370</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 15 days, submit the required dry cleaner drop station registration form for the Facilities. 2. Within 30 days, submit written certification demonstrating compliance.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	14-Aug-2006	Screening	16-Aug-2006	EPA Due	
	PCW	19-Oct-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	ASAP Enterprises, Inc. dba VIP Cleaners 5
Reg. Ent. Ref. No.	RN104098116
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30803	No. of Violations	1
Docket No.	2006-1285-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$1,185**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes No adjustments are recommended based on compliance history.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The respondent does not meet the good faith criteria.

Economic Benefit 0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$18
Approx. Cost of Compliance	\$250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$1,185**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$1,185**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$1,185**

DEFERRAL Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended because settlement was not achieved through the expedited process.

PAYABLE PENALTY **\$1,185**

PCW 1

Screening Date 16-Aug-2006	Docket No. 2006-1285-DCL-E	PCW
Respondent ASAP Enterprises, Inc. dba VIP Cleaners 5	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 30803	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN104098116		
Media [Statute] Drycleaner		
Enf. Coordinator Audra L. Ruble		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustments are recommended based on compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	16-Aug-2006	Docket No.	2006-1285-DCL-E	PCW
Respondent	ASAP Enterprises, Inc. dba VIP Cleaners 5			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	30803			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN104098116			
Media [Statute]	Drycleaner			
Enf. Coordinator	Audra L. Ruble			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 337.10(a)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 374.102			
Violation Description	The respondent failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.			
Base Penalty				\$50

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				Percent <input type="text"/>
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		X			Percent 10%
Matrix Notes	100% of the rule requirement was not met.				

Adjustment **Base Penalty Subtotal** **Violation Events:****Number of Violation Events**

mark only one use a small x	daily	X
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** **Violation Final Penalty Total** **This violation Final Assessed Penalty (adjusted for limits)**

Economic Benefit Worksheet

Respondent ASAP Enterprises, Inc. dba VIP Cleaners 5

Case ID No. 30803

Reg. Ent. Reference No. RN104098116

Media [Statute] Drycleaner

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	30-Jan-2007	1.4	\$18	n/a	\$18
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent is projected to come into compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$250****TOTAL \$18**

Compliance History

Customer/Respondent/Owner-Operator:	CN603046616	ASAP Enterprises, Inc.	Classification:	Rating:
Regulated Entity:	RN104098116	VIP CLEANERS 5	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION		EPA ID	TXR000070557
Location:	12379 KINGSRIDE LN, HOUSTON, TX, 77024			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	August 15, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 15, 2001 to August 15, 2006			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Ruble Phone: 361-825-3126

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- | | |
|------------------------|---|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. |
| | N/A |
| B. | Any criminal convictions of the state of Texas and the federal government. |
| | N/A |
| C. | Chronic excessive emissions events. |
| | N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) |
| | N/A 1 08/07/2006 (490004) |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.) |
| | N/A |
| F. | Environmental audits. |
| | N/A |
| G. | Type of environmental management systems (EMSs). |
| | N/A |
| H. | Voluntary on-site compliance assessment dates. |
| | N/A |
| I. | Participation in a voluntary pollution reduction program. |
| | N/A |
| J. | Early compliance. |
| | N/A |
| Sites Outside of Texas | |
| | N/A |

CH 1



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	03-Sep-2006	Screening	06-Sep-2006	EPA Due	
	PCW	21-Nov-2006				

RESPONDENT/FACILITY INFORMATION

Respondent	ASAP Enterprises, Inc. dba IP Cleaners		
Reg. Ent. Ref. No.	RN100705763		
Facility/Site Region	12 - Houston	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	30803	No. of Violations	1
Docket No.	2006-1285-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Suzanne Walrath
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,185
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
---------------------------	----------------	--------------------------------	-----

Notes The respondent does not have any other enforcement actions within the last five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	-------------------	-----

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	-------------------	-----

Before NOV NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	X (mark with a small x)

Notes The Respondent does not meet the good faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
-------------------------	-----------------	-------------------	-----

Total EB Amounts \$18

*Capped at the Total EB \$ Amount

Approx. Cost of Compliance \$250

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,185
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
---	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$1,185
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,185
-----------------------------------	-------------------------------	---------

DEFERRAL	0% Reduction	Adjustment	\$0
-----------------	--------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral offered as this case did not settle within the 60 day settlement period.

PAYABLE PENALTY	\$1,185
------------------------	---------

PCW 2

Screening Date 06-Sep-2006

Docket No. 2006-1285-DCL-E

PCW

Respondent ASAP Enterprises, Inc. dba IP Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30803

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100705763

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent does not have any other enforcement actions within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 06-Sep-2006

Docket No. 2006-1285-DCL-E

PCW

Respondent ASAP Enterprises, Inc. dba IP Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30803

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100705763

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

Violation Number

1

Primary Rule Cite(s)

30 Tex. Admin. Code § 337.11(e)

Secondary Rule Cite(s)

Tex. Health and Safety Code § 374.102

Violation Description

The respondent failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

Harm

Release

Major

Moderate

Minor

OR

Actual

Potential

Percent

>> Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

mark only one

use a small x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,185

This violation Final Assessed Penalty (adjusted for limits) \$1,185

Economic Benefit Worksheet

Respondent ASAP Enterprises, Inc. dba IP Cleaners

Case ID No. 30803

Reg. Ent. Reference No. RN100705763

Media [Statute] Drycleaner

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	30-Jan-2007	1.4	\$18	n/a	\$18
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent is projected to come into compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$250****TOTAL** **\$18**

Compliance History

Customer/Respondent/Owner-Operator:	CN600279988	ASAP Enterprises, Inc.	Classification: High	Rating: 0.0
Regulated Entity:	RN100705763	IP CLEANERS	Classification: High	Site Rating: 0.0:
ID Number(s):	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	HG4440C
Location:	2368 S DAIRY ASHFORD ST, HOUSTON, TX, 77077		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	September 18, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 18, 2001 to September 18, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Suzanne Walrath		Phone:	512/239-2134

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- | | |
|------------------------|---|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. |
| | N/A |
| B. | Any criminal convictions of the state of Texas and the federal government. |
| | N/A |
| C. | Chronic excessive emissions events. |
| | N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) |
| | 1 07/26/2004 (276332) |
| | 2 08/29/2006 (488415) |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.) |
| | N/A |
| F. | Environmental audits. |
| | N/A |
| G. | Type of environmental management systems (EMSs). |
| | N/A |
| H. | Voluntary on-site compliance assessment dates. |
| | N/A |
| I. | Participation in a voluntary pollution reduction program. |
| | N/A |
| J. | Early compliance. |
| | N/A |
| Sites Outside of Texas | |
| | N/A |

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ASAP ENTERPRISES, INC. DBA
VIP CLEANERS 5 AND DBA IP
CLEANERS,
RN104098116
RN100705763**

§
§
§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2006-1285-DCL-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Second Amended Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is ASAP Enterprises, Inc. dba VIP Cleaners 5 and dba IP Cleaners ("ASAP Enterprises").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. ASAP Enterprises owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates two dry cleaning drop stations. One of ASAP Enterprises' dry cleaning drop stations is located at 12379 Kingsride Lane, Houston, Harris County, Texas (the "VIP Cleaners 5 Facility"). ASAP Enterprises' second dry cleaning drop station is located at 2368 South Dairy Ashford, Houston, Harris County, Texas (the "IP Cleaners Facility"). (Referred to collectively as the "Facilities").
2. The Facilities are retail commercial establishments the primary business of which is to act as a collection point for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing. As such, the Facilities are dry cleaning drop stations as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).
3. During an inspection on May 24, 2006 at the VIP Cleaners 5 Facility, a TCEQ Houston Regional Office investigator documented that ASAP Enterprises failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

4. During an inspection on May 31, 2006 at the IP Cleaners Facility, a TCEQ Houston Regional Office investigator documented that ASAP Enterprises failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.
5. ASAP Enterprises received notice of the violations in paragraph 3 on or about August 12, 2006.
6. ASAP Enterprises received notice of the violations in paragraph 4 on or about September 3, 2006.
7. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of ASAP Enterprises, Inc. dba VIP Cleaners 5" (the "EDPRP") in the TCEQ Chief Clerk's office on November 21, 2006.
8. By letter dated November 21, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director mailed ASAP Enterprises notice of the EDPRP. The United States Postal Service returned the first class mail and returned the wrapper sent by certified mail as "unclaimed".
9. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of ASAP Enterprises, Inc. dba VIP Cleaners 5" (the "EDFARP") in the TCEQ Chief Clerk's office on December 21, 2006.
10. By letter dated December 21, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director mailed ASAP Enterprises notice of the EDFARP. The United States Postal Service returned the first class mail and returned the wrapper sent by certified mail as "unclaimed".
11. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of ASAP Enterprises, Inc. dba VIP Cleaners 5 and dba IP Cleaners" (the "EDSARP") in the TCEQ Chief Clerk's office on October 31, 2008.
12. By letter dated October 31, 2008, sent via certified mail, return receipt requested, via first class mail, postage prepaid, and via hand delivery the Executive Director served ASAP

Enterprises with notice of the EDSARP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". On October 31, 2008, the EDSARP was hand delivered to Pam Budhuuani (a representative of ASAP Enterprises, Inc.) by Andrew Sly (a TCEQ Houston Regional Office investigator). In addition, the first class mail has not been returned, indicating that ASAP Enterprises received notice of the EDSARP.

13. More than 20 days have elapsed since ASAP Enterprises received notice of the EDSARP, provided by the Executive Director. ASAP Enterprises failed to file an answer to the EDSARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, ASAP Enterprises is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3., ASAP Enterprises failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility (the VIP Cleaners 5 Facility), in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact No. 4, ASAP Enterprises failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility (the IP Cleaners Facility), in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
4. As evidenced by Finding of Fact Nos. 11 and 12, the Executive Director timely served ASAP Enterprises with proper notice of the EDSARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(2) and 70.104(c)(2).
5. As evidenced by Finding of Fact No. 13, ASAP Enterprises failed to file a timely answer to the EDSARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against ASAP Enterprises and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against ASAP Enterprises for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of two thousand three hundred seventy dollars (\$2,370.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. ASAP Enterprises is assessed an administrative penalty in the amount of two thousand three hundred seventy dollars (\$2,370.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and ASAP Enterprises' compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: ASAP Enterprises, Inc. dba VIP Cleaners 5 and dba IP Cleaners; Docket No. 2006-1285-DCL-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. ASAP Enterprises shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Order, ASAP Enterprises shall complete and submit the required dry cleaner drop station registration form for the Facilities, in accordance with 30 TEX. ADMIN. CODE ch. 337.

Dry Cleaning Registration Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Order, ASAP Enterprises shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language: submit written certification of compliance with Ordering Provision 2.a. as described below:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Nicole Bealle, Waste Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk Street, Suite H
Houston, Texas 77023-1486

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon ASAP Enterprises. ASAP Enterprises is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Order.
5. If ASAP Enterprises fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, ASAP Enterprises' failure to comply is not a violation of this Order. ASAP Enterprises shall have the burden of establishing to the Executive

Director's satisfaction that such an event has occurred. ASAP Enterprises shall notify the Executive Director within seven days after ASAP Enterprises becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by ASAP Enterprises shall be made in writing to the Executive Director. Extensions are not effective until ASAP Enterprises receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to ASAP Enterprises if the Executive Director determines that ASAP Enterprises has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF DINNIAH M. CHAHIN

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Dinniah M. Chahin. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of of ASAP Enterprises, Inc. dba VIP Cleaners 5" (the "EDPRP") was filed with the Office of the Chief Clerk on November 21, 2006.

The EDPRP was sent to ASAP Enterprises at its last known address on November 21, 2006 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the first class mail and the wrapper sent by certified mail as "unclaimed".

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of ASAP Enterprises, Inc. dba VIP Cleaners 5" (the "EDFARP") in the TCEQ Chief Clerk's office on December 21, 2006.

The EDFARP was sent to ASAP Enterprises at its last known address on December 21, 2006, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the first class mail and the wrapper sent by certified mail as "unclaimed".

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of ASAP Enterprises, Inc. dba VIP Cleaners 5 and dba IP Cleaners" (the "EDSARP") in the TCEQ Chief Clerk's office on October 31, 2008.

The EDSARP was sent to ASAP at its last known address on October 31, 2008, via certified mail, return receipt requested and via first class mail, postage prepaid. On October 31, 2008, the EDSARP was also hand delivered to Pam Budhuuani (a representative of ASAP Enterprises, Inc.) by Andrew Sly (a TCEQ Houston Regional Office investigator). The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been

returned, indicating the respondent received notice of the EDSARP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since ASAP Enterprises received notice of the EDSARP, provided by the Executive Director. ASAP Enterprises failed to file an answer to the EDSARP, failed to request a hearing, and failed to schedule a settlement conference.



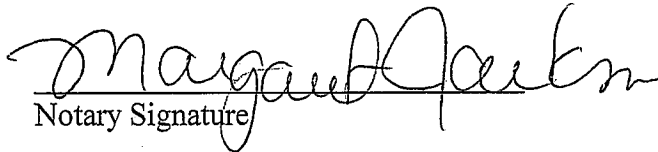
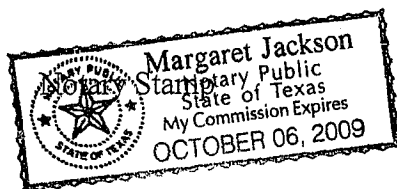
Dinniah M. Chahin

Attorney

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Dinniah M. Chahin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 10 day of March, A.D., 2009.


Notary Signature